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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,513	08/17/2000	David Lars Ehnebuske	AUS9-2000-0371-US1	6303
35525	7590	03/19/2004	EXAMINER	
DUKE W. YEE CARSTENS, YEE & CAHOON, L.L.P. P.O. BOX 802334 DALLAS, TX 75380			CARLSON, JEFFREY D	
		ART UNIT	PAPER NUMBER	3622

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/640,513	EHNEBUSKE ET AL.
	Examiner Jeffrey D. Carlson	Art Unit 3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.   |

## DETAILED ACTION

This action is responsive to the paper(s) filed 12/29/03.

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

- Claims 1 and 10, fail to present an invention within the "technological arts." Please refer to the office action of 6/20/03 for background and explanation of this "technological arts" requirement.

In the present application, claims 1 and 10 merely require defining objects, actions and selector for invoking them; no computer or computer processing is specified. Applicant's trivial mention of a data processing system in the preamble does not cure the deficiencies. None of the claimed steps in the body of the claims require computer processing. While applicant has inserted language that a step is "applicable to current data processing system settings", none of the steps are performed by a data processor. All of the positive steps claimed can be performed mentally or by hand. Applicant should include non-trivial steps carried out by the data processing system.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claims 10 and 16, there is no clear and positive antecedent basis for the current data processing system settings, nor what these might be.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerace (US5991735) in view of Taylor (Object-Oriented Information Systems).

Regarding claims 1, 8-10, 13-16, 21, users of the system register and Gerace provides a system which presents data to a requesting user. The provided data has customized content and formatting. Gerace achieves the methods using Object Oriented Programming (OOP) [2:10-30, 61-67]. Gerace lacks background on the principles and advantages of OOP. Taylor teaches basic features and advantages of Object Oriented Programming (OOP). Taylor teaches that objects are defined for entities in the business system to be modeled. The objects have attributes and are associated with procedures/methods that carry out a business rules. Modules are

programmed to represent different business functions which act on the objects and the associated methods (actions). It would have been obvious to one of ordinary skill at the time of the invention to have employed these OOP programming techniques for any business needs, including the customized data selection and presentment of Gerace. Applicant's selectors are met by programming modules or subroutines; actions are met by methods and classifiers and their classifications are met by objects and their attributes. Gerace teaches that new users are registered and given a new user cookie containing an identifier. User also have stored values for several user attributes such as those in figure 3B. Gerace teaches that the user may volunteer such information and it would have been obvious to one of ordinary skill at the time of the invention to have collected such information when a new user registers. The personalized content of Gerace is selected based on such attributes of the user.

Regarding claims 2, 3, 17, 18, Taylor teaches that OOP is based on reuse of software components [pg 1], reuse tends to aid in development, debugging and maintenance.

Regarding claims 4, 5, 19, 20, Taylor teaches an integrated development environment that includes a class browser. This enables programmers to manage all of the software objects/components. Taylor describes a collapsible, hierarchical tree-like methods for managing the objects. When an object is highlighted, its methods are also highlighted. The tree-like browser enables a user to locate all classes in the system that call a particular method [pg 225-226]. It would have been obvious to one of ordinary skill at the time of the invention to have used such a development environment for

displaying the classifier objects, actions and selectors when designing the business application of Gerace.

Regarding claims 6, 7, the system of Gerace creates a user profile and the system selects customized content to present the user. This functionality inherently relies on both user data (profile) and the system data (raw content).

Regarding claims 11, 12, it would have been obvious to one of ordinary skill at the time of the invention to have provided programming that always defined an action, regardless of the user - such as putting a universal navigation menu on the user pages. Gerace teaches that if the user does not have an established profile (i.e. a new user), the system presents a generic start page [4:32-54]. It would have been obvious to one of ordinary skill at the time of the invention to have programmed logic to display customized contents for recognized users and otherwise provide the generic content if not recognized.

#### ***Response to Arguments***

Applicant's arguments filed 12/29/03 have been fully considered but they are not persuasive. Gerace teaches that the user may volunteer such information and it would have been obvious to one of ordinary skill at the time of the invention to have collected such information when a new user registers. The personalized content of Gerace is selected based on such attributes of the user.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 703-308-3402. The examiner can normally be reached on Mon-Fri 8:30-6p, (off on alternate Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey D. Carlson  
Primary Examiner  
Art Unit 3622

jdc